

## REMARKS

The abstract has been objected to in the Office Action as being non-descriptive. The rejection is respectfully traversed. Applicant amended the abstract in the preliminary amendment filed December 9, 2004. As such, the abstract sufficiently describes the invention and meet all requirements of MPEP 608.01(b).

Claims 12-31 have been objected to for use of the term "downstream" in the claims. Applicant respectfully disagrees. The term "downstream" is well understood, as noted by the Examiner. There is no requirement that the claim language state exactly where downstream something is located.

Claims 25-28 have been rejected under 35 USC 112, second paragraph. The term "mechanism" has been changed to "device."

Claims 12 and 22-23 have been rejected under 35 USC 103(a) as unpatentable over Lee in view of Fiaschi, Skemer and Akgun. The rejection is respectfully traversed.

As an initial matter, the Examiner is using four (4) references to arrive at the claimed invention, and appears to be grasping at straws. In fact, five (5) references are used for the rejections that follow. Even if all limitations could be found in the total set of elements contained in the prior art references, the office action is improperly using the application as a blueprint for piecing together prior art references. "To reach a non-hindsight driven conclusion as to whether a person having ordinary skill in the art at the time of the invention would have viewed the subject matter as a whole to have been obvious in view of multiple references, the Board must provide some rationale, articulation, or reasoned basis to explain why the conclusion of obviousness is correct." *In re Kahn*, 441 F.3d 977, 987 (Fed. Cir.).

As stated by the Examiner, on page 4, paragraph 9 of the Office Action, Lee fails to disclose that an Ethernet network is used as the communication medium between the access multiplexer and the access server, but that Fiaschi discloses this feature (referring to Fig. 4). However, there is no reason why one skilled in the art would use the teachings of Lee with the teachings of Fiaschi. Specifically, whereas Lee describes a network having terminal units connected to an access multiplexer that is connected to an access server, Fiaschi teaches a network constructed in a completely different manner. According to Fiaschi, the terminal units are linked to each other ("first network" - LAN) and connected directly to the access server,

where the access server is used “for linking the first and the second network”— see page 1, lines 1-5 and Fig. 4. Since the network according to Fiaschi does not teach an access multiplexer, the limitation that an access multiplexer is connected to an access server via Ethernet can not be derived from the teachings of Fiaschi and there is no reason one skilled in the art would have been motivated to turn to the reference.

The Examiner further states that Fiaschi teaches the Ethernet bridge limitation (“evaluating a PPPoE header contained in a received Ethernet frame by the Ethernet bridge”). Applicant respectfully disagrees. According to Fiaschi, a session identifier field is added to each Ethernet frame for associating the frames with the respective sessions. However, Fiaschi does not teach that the Ethernet bridge is evaluating the header frame of each Ethernet frame. According to the evaluation process in the claimed invention, the routing or discarding of the specific frames is based on the evaluation process. It is therefore clear that without the evaluation of the header of the Ethernet frames itself, no such decision about the subsequent processing of the respective frame can be made. This limitation is therefore not met by the applied prior art.

The Examiner also cites Skemer as disclosing a common authentication process. This process is described in detail in paragraphs [0079] – [0081] of the reference. As detailed, the method applies for processes that determine whether or not a connection request is to be permitted. In contrast, the claimed invention checks, for instance, whether or not data packets come from (or are sent to) a subscriber connected to the access multiplexer, but not whether the subscriber is authorized to send or receive data units (“it is evaluated if the PPPoE header can be assigned to a connection”).

Claims 13-21 and 24-31 have been rejected under 35 USC 103(a) as unpatentable over Lee in view of Fiaschi, Skemer and Akgun, further in view of various combinations of Hassan-Ali, Masel and Voit. The rejections are respectfully traversed for the same reasons presented in the arguments above.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing, referencing Attorney Docket No. 119010-075.

Respectfully submitted,

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